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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/603,625

06/26/2003

Shigeki Matsubara

KAS-183

4454

7590 02/21/2007
MATTINGLY, STANGER & MALUR, P.C.
SUITE 370
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EXAMINER

RAMILLANO, LORE JANET

ART UNIT

PAPER NUMBER

1743

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/603,625	MATSUBARA ET AL.	
	Examiner	Art Unit	
	Lore Ramillano	1743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 1,3 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/1/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In applicant's reply filed on 12/1/06, applicant amended claims 1-5.

Claims 1-5 are pending in the application.

Response to Amendment

Claim Objections

2. Claims 1, 3, and 4 are objected to because of the following informalities:

Claims 1, 3, and 4 are objected to because "said conveying *line*" lacks antecedent basis. Does applicant mean "said conveying *unit*"? Appropriate corrections are required.

Claim Rejections - 35 USC § 112

3. The rejection of claims 1-5 under 35 USC §112, second paragraph, in the prior Office Action is withdrawn. In light of applicant's amendments, new rejections follow.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. **Claims 3-5** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed "specifying means," which is recited in claims 3-5, is not properly described in the specification and drawings because applicant's disclosure does

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not specifically recite the term "specifying means" or impliedly describes in sufficient detail that one skilled in the art can reasonably conclude that the applicant had possession of the claimed invention, which included the "specifying means" limitation.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 3-5** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is indefinite because of the term "display means." While applicant notes in his reply that the display means and specifying means are supported by the mode setting display of Fig. 3 and on p. 7, lines 9-14 of the specification, neither disclosure clearly shows what aspect of the invention is considered the display means and the specifying means. Is the "display means" considered the "mode setting screen"? Or is applicant claiming that the display means and specifying means considered the "mode setting screen"? Because applicant does not clearly indicate what is considered the "display means," examiner will interpret the "mode setting screen" as referring exclusively to the "display means."

Claims 3-5 are indefinite because of the term "specifying means." For the same reasons indicate in the paragraph above, examiner does not find that applicant has clearly explained or indicated what is considered the "specifying

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means.” For examination purposes, examiner will interpret “specifying means” as being a software component that is integral with the central control device.

Double Patenting

8. The double patenting rejections are withdrawn.

Prior art rejections

9. The rejections over the prior art, Babson, Kodama, Matsubara Ref '718 and '960 are withdrawn. The rejection over Ohishi is maintained.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claims 1-5** are rejected under 35 U.S.C. 102(b) as being anticipated by Ohishi et al. (“Ohishi,” US 6019945).

Ohishi discloses an automatic analyzer comprising: a conveying unit for conveying a sample (20, Fig. 1); at least one analysis unit for analyzing the sample conveyed by said conveying line (i.e. 3A, 3B, and 3C, Fig. 1); a central control device for controlling said conveying unit and said analysis unit (column 9, lines 43-50); wherein said central control device functions to separate said analysis unit from an information network of said central control device to shut off a power supply of said analysis unit, functions to turn on said power supply of

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said analysis unit that has been separated from said information network, and load system software into said analysis unit, so that said analysis unit returns to an operable state. (i.e. column 9, line 43 to column 10, line 23).

Ohishi further discloses an automatic analyzer comprising: a display means for displaying said conveying unit and said analysis unit (column 4, lines 47-50), and a specifying means for specifying any one of displayed conveying line and a displayed analysis unit to be separated by said central control device from said information network of said central control device to shut off a power supply of said conveying unit or said analysis unit. In addition, Ohishi discloses that the specifying means repeats an operation for specifying any one of said conveying line and said analysis unit, so that said central control device switches between shutting off said power supply of said analysis unit to separate said analysis unit from said information network, and again turning on said power supply of said analysis unit to connect said analysis unit to said information network. Also, Ohishi discloses that the central control unit is responsive to said specifying means specifying any one of the sections displayed on said display means to thereby perform switching between the separation of the specified section from the control of said central control device and the reconnection thereof to said central control device (i.e. column 9, line 43 to column 10, line 23).

Response to Arguments

12. Applicant's arguments filed on 12/1/06, with regard to Ohishi, have been fully considered but they are not persuasive.

In response to applicant's argument that Ohishi does not disclose an automatic analyzer having a central control device that functions to separate an analysis unit from an information network of the central control device to shut off a power supply of the analysis unit in combination with a conveying unit and analysis unit, examiner disagrees. As indicated in paragraph 11 above, Ohishi discloses applicant's claimed invention, as amended.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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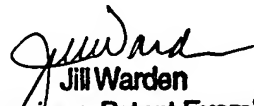
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lore Ramillano whose telephone number is (571) 272-7420. The examiner can normally be reached on Mon. to Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571) 272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lore Ramillano
Examiner
Art Unit 1743

2/16/07


Jill Warden
Supervisory Patent Examiner
Technology Center 1700